



Human Rights and Environment

For Prelims: [International Criminal Court \(ICC\)](#), [Human Rights](#), Right to a clean, healthy, and sustainable environment (R2hE), [Financial Action Task Force \(FATF\)](#), [Article 21 of the Indian Constitution](#).

For Mains: Human Rights and Environment, Environment as Human Right, Roles of United Nations.

Source: DTE

Why in News?

Recently a group of universities have written a joint note urging the [International Criminal Court \(ICC\)](#) to step in to deal with Environmental degradation linked with [Human Rights](#).

- According to the University of Oxford, human activities leading to severe environmental harm usually also violate human rights and **thus qualify as a crime against humanity such as genocide**.
- This perspective emphasizes the need for a rights-based approach, recognizing the **right to a clean, healthy, and sustainable environment (R2hE)** as pivotal.

How are Human Rights and the Environment Linked?

- **Human Rights:**
 - As per the [United Nations \(UN\)](#), human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.
 - Human rights are inherent entitlements that we possess because we exist as human beings - they are not granted by any state.
 - The UN General Assembly adopted the [Universal Declaration of Human Rights \(UDHR\)](#) in Paris on December 10, 1948, as a common standard of achievement for all nations and peoples.
 - It includes the right to life and [liberty](#), freedom from slavery and torture, [freedom of opinion and expression](#), the right to work and education etc.
 - Everyone is entitled to these rights, without [discrimination](#).
- **Need for Environment as Human Rights:**
 - The concept of human rights in general emerged after the [Second World War](#), but the right to a healthy environment, as one of those human rights, was never a priority.
 - A healthy environment is an essential aspect of the [right to life](#), not only for human beings but also for other **animals on the planet**.
 - Violation of the right to a healthy environment is **potentially a violation of the basic right to life**.
 - When environmental rights are violated, people and the planet suffer from reduced health and well-being.
 - Environmental deterioration could eventually endanger the life of present and future generations.
- **Recognizing the right to a clean, healthy, and sustainable environment (R2hE) :**

- The **R2hE** is a fundamental human right that encompasses the entitlement of all individuals to live in an environment that is conducive to their well-being and conducive to the fulfillment of their basic needs.
- This right recognizes the interconnectedness between human well-being and the health of the environment.
- **Challenges and Concerns Related to Healthy Environment:**
 - **Legal Hurdles:** Holding perpetrators accountable, whether politicians, corporate entities, or criminal syndicates, presents **formidable legal hurdles**.
 - A report by the [UN Office on Drugs and Crime \(UNODC\)](#) highlighted these challenges, noting the need for better international cooperation and stronger national legislation.
 - A 2020 report by [Human Rights Watch](#) documented how environmental destruction disproportionately impacts the marginalized communities who have limited ability to fight back, affecting their health, livelihoods, and access to clean water.
 - **The Transnational Nature of Environmental Crimes:** Environmental crimes often have a transnational dimension due to the interconnected nature of environmental systems, the global trade in natural resources, and the movement of pollutants across borders.
 - **Money Laundering from Environmental Crime:** The [Financial Action Task Force \(FATF\)](#), 2021 report on money laundering from environmental crime found that criminals are making enormous profits by **using front companies to mix legal and illegal goods** and payments early in the resource supply chains.
 - **Illicit Financial Flows:** The United States has become a destination for money earned through environmental crimes (according to the report published by the [Financial Accountability and Corporate Transparency Coalition](#) in 2023) which undermines global moves to stem illicit financial flows and combat the climate crisis.
- **Right to Healthy Environment In India:**
 - The right to life has been used in a diversified manner in India. It includes, inter alia, the **right to survive as a species**, quality of life, the right to live with dignity and the right to livelihood. In India, this has been expressly recognised as a constitutional right.
 - **Article 21 of the Indian Constitution states:** 'No person shall be deprived of his life or personal liberty except according to procedures established by law.'
 - The [Supreme Court](#) expanded this negative right in two ways.
 - Firstly, any law affecting personal liberty should be reasonable, fair and just.
 - Secondly, the Court recognized several unarticulated liberties that were implied by **Article 21**.
 - It is by this second method that the Supreme Court interpreted the right to life and **personal liberty to include the right to a clean environment**.

What are the Environment Protection Laws in India?

- [Wildlife \(Protection\) Act, 1972](#)
- [Water \(Prevention and Control of Pollution\) Act, 1974](#)
- [Air \(Prevention and Control of Pollution\) Act, 1981](#)
- [The Environment \(Protection\) Act, 1986](#)
- [The National Green Tribunal Act, 2010](#)

What are the International Efforts Related to the Right to Healthy Environment?

- On **28th July 2022**, the [United Nations General Assembly \(UNGA\)](#) adopted a [resolution](#) declaring that everyone on the planet has a right to a healthy environment.
 - This resolution calls upon States, international organizations, and business enterprises to **scale up efforts to ensure a healthy environment** for all.
- The [1972 Human Conference on Human Environment](#), often known as the **Magna Carta of**

the human environment, emphasized the imperative to safeguard earth's natural resources, encompassing air, water, land, flora, and fauna, along with representative ecosystems.

- It underscored the necessity of careful planning or management to ensure the well-being of present and future generations.
- The **World Commission on Environment and Development's report in 1987** put forth **22 legal principles** aimed at environmental protection and sustainable development.
 - This report introduced the concept of sustainable development and emphasized the interconnectedness of environmental, social, and economic issues.
- '**Caring for the Earth 1991**' and the '**Earth Summit**' of 1992 reiterated that human beings have the right to lead healthy and productive lives in harmony with nature.

What are the Cases Related to a Healthy Environment?

- **M.C Mehta v. UOI, 1986:**
 - Directions to remove environmental illiteracy were given-
 - Cinema halls/video parlors to exhibit not less than two slides on the environment prepared by the **Ministry of Environment, Forest and Climate Change** of India.
 - Doordarshan and AIR allot 5-7 minutes daily for interesting programmes on the environment.
 - Environment be made a compulsory subject in a graded way in schools and colleges and universities shall prescribe a course for the same.
- **M. C Mehta v. Kamal Nath, 1996:**
 - The Supreme Court made it clear that any disturbance of basic environmental elements namely air, water and soil which are necessary for life would be hazardous to life and can't be polluted.
- **Rural Litigation and Entitlement Kendra v. State of U.P, 1985:**
 - Limestone mining which denuded mussoorie hills of trees and forests cover and accentuated soil erosion resulting in blockage of underground water channels were banned.
- **Tarun Bharat Sangh (NGO) v. UOI, 1993:**
 - Closure of all 400 marble mines around **Sariska tiger reserve** which threatened the wildlife of that area.
- **Preventing Pollution of Ganga and Yamuna, 1995:**
 - Under the **Environmental Protection Act, 1986** the Supreme Court asked for the removal of all polluting industries settled on the bank of Ganga in Kanpur, Hoogly in Calcutta, and of Yamuna in Delhi.

Way Forward

- The incorporation of R2hE into the ICC's legal framework emerges as a crucial step.
- By acknowledging environmental crimes as prosecutable offenses under the **Rome Statute**, the ICC can systematically address these violations.
- Prosecuting perpetrators of environmental crimes is imperative, but equally essential is addressing the underlying structural issues facilitating these offenses.
- Fostering international cooperation to close regulatory loopholes and bolster enforcement mechanisms is paramount.
- International Initiatives aimed at combating corruption, enhancing transparency in financial transactions, and strengthening anti-money laundering measures are indispensable.
- India has enacted various laws aimed at protecting the environment, the focus should be on enforcing these laws effectively and updating them to address emerging environmental challenges.

Drishti Mains Question :

Q: In the context of environmental degradation and its impact on human rights in India, analyze the existing legal frameworks and policies in ensuring the right to a healthy environment.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q. Other than the Fundamental Rights, which of the following parts of the Constitution of India reflect/ reflects the principles and provisions of the Universal Declaration of Human Rights (1948)? (2020)

1. Preamble
2. Directive Principles of State Policy
3. Fundamental Duties

Select the correct answer using the code given below:

- (a) 1 and 2 only
(b) 2 only
(c) 1 and 3 only
(d) 1, 2 and 3

Ans: D

Mains

Q. Though the Human Rights Commissions have contributed immensely to the protection of human rights in India, yet they have failed to assert themselves against the mighty and powerful. Analysing their structural and practical limitations, suggest remedial measures. (2021)

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